

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

KEVIN BUDD, RAY LEE, MARTIN)
MANGAN, SHIRLEY MANGAN and)
KENNETH WALSH on behalf of)
themselves and all others similarly)
situated,)

Plaintiffs,)

vs.)

CARING FOR MONTANANS, INC.,)
BLUE CROSS BLUE SHIELD of)
MONTANA, INC., HEALTH CARE)
SERVICES CORPORATION, INC.,)
and JOHN DOES 3 through 20,)

Defendants.)

TYSON S. PALLISTER,)

Plaintiff,)

vs.)

CARING FOR MONTANANS, INC.,)
BLUE CROSS BLUE SHIELD of)
MONTANA, INC., HEALTH CARE)
SERVICES CORPORATION, INC.,)
and JOHN DOES 3 through 20,)

Defendants.)

This Document Relates To:)
BOTH ACTIONS)

FILED

OCT 27 2016

Clerk, U.S. District Court
District Of Montana
Helena

No. CV-09-25-BU-SEH

ORDER


No. CV-09-62-H-SEH

On August 26, 2016, Plaintiffs filed a Motion for Class Certification.¹ One of Plaintiffs' contentions is Defendant Caring for Montanans, Inc. ("CFM") breached an ERISA² fiduciary duty by agreeing to donate approximately \$150,000,000 to the Montana Healthcare Foundation ("MHF").³

ORDERED

To assist the Court in addressing the issues of class certification and the Plaintiffs' contentions in support of its Motion for Class Certification, both Plaintiffs and Defendants are directed to file, on or before November 18, 2016, a brief and admissible-in-evidence supporting documents that clearly identify and set forth the facts and circumstances surrounding or related to the claimed-to-be agreed upon \$150,000,000 transfer of funds from CMF to MHF and in what manner such transfer could be said to constitute a breach of fiduciary duty owed to Plaintiffs under 29 U.S.C. §§ 1109 and 1132 or other applicable federal law.

DATED this 27th day of October, 2016.



SAM E. HADDON
United States District Judge

¹ Doc. 184.

² Employee Retirement Income Security Act, 29 U.S.C. §§ 1109, 1132.

³ See Doc. 185 at 15-16.